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Date:

April 5, 2002

By:

Lynnea B. Anderson

Docket No. 50665-8009.US01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Rodriguez *et al.*

SERIAL No.: 09/932,328

FILED: August 17, 2001

FOR: **PLANT SELECTABLE MARKER AND
PLANT TRANSFORMATION METHOD**

EXAMINER: Unknown

ART UNIT: 1638

CONFIRMATION NO. 4810

**Response to Notice to File Missing
Parts of Application**

Box Sequence
Assistant Commissioner for Patents
U.S. Patent and Trademark Office
P. O. Box 2327
Arlington, VA 22202

Sir:

1. In response to the Notice to File Missing Parts mailed September 7, 2001 (copy enclosed), applicant submits the following:

- ☒ A Petition for 5-month time extension
- ☒ An Executed Declaration of Inventorship
- ☒ A Power of Attorney by Assignee
- ☒ A Sequence Listing, diskette and matching declaration.

2. Conditional Petition for Extension of Time

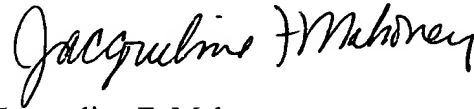
Applicant petitions for an Extension of Time if necessary for timely filing of this Response.

3. Fee Payment

- ☒ Applicant claims small entity status. See 37 CFR §1.27.

- ☒ Please charge Deposit Account No. 50-0665 for \$65.00 in payment of the surcharge for late filing of declaration or oath.
- ☒ Please charge any underpayment for timely filing of this Response to Deposit Account No. 50-0665.

Respectfully submitted,



Jacqueline F. Mahoney
Registration No. 48,390

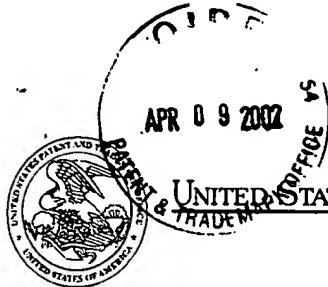
Date: April 5, 2002

Correspondence Address:

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#6



APR 09 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/932,328 | 08/17/2001 | Raymond L. Rodriguez | 50665-8009.US01 |

CONFIRMATION NO. 4810

22918
IOTA PI LAW GROUP
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PALO ALTO, CA 94306-0850

FORMALITIES LETTER



OC00000006533117

Date Mailed: 09/07/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

F r questions regarding compliance to these requirements, please contact:

- For Rules Interpretati n, call (703) 308-4216
- To Purchase PatentIn S ftware, call (703) 306-2600

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- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE